

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of TODD WILLIAM SMITH,  
Minor.

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JAMIE SIDES,

Petitioner-Appellee,

v

WILLIAM LEE SMITH,

Respondent-Appellant.

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UNPUBLISHED

August 6, 2009

No. 288735

St. Clair Circuit Court

Family Division

LC No. 08-000307-NA

Before: Saad, C.J., and Sawyer and Borrello, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (b)(i), (g), (j), (k)(ii), and (n)(i). For the reasons set forth in this opinion, we affirm.

Petitioner and respondent were married and their marriage produced a son who is the subject of this appeal. In 1999, respondent pled guilty to two counts of second-degree criminal sexual conduct, MCL 750.520c(1)(a). The criminal conviction arose from respondent sexually molesting petitioner's minor daughter. As of the date of adjudication of this matter by the trial court, respondent was still incarcerated.

Termination of parental rights need only be supported by a single statutory ground. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000). The trial court did not clearly err in finding that §§ 19b(3)(b)(i), (j), (k)(ii), and (n)(i) were each established by clear and convincing legally admissible evidence. MCR 3.977(E); *In re Utrera*, 281 Mich App 1, 16-17; 761 NW2d 253 (2008). Respondent regularly subjected the child's sister to sexual abuse involving penetration for several years, beginning when she was four or five years old. When the abuse was discovered, respondent pleaded guilty to second-degree criminal sexual conduct, MCL 750.520c(1)(a), and was sentenced to 3 to 15 years in prison. He has been continuously incarcerated since July 1999, and had not seen the child since December 1998. The evidence further showed that the child's feelings toward respondent had changed drastically since he was a toddler and that he had already had years of therapy to learn how to deal with what respondent had done to destroy the family.

Contrary to what respondent argues, petitioner was not required to prove that the child would be neglected for the long-term future as held in *Fritts v Krugh*, 354 Mich 97, 114; 92 NW2d 604 (1958), overruled on other grounds by *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993). That decision predates the enactment of § 19b(3), which now governs the criteria for termination.

Further, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Henry William Saad  
/s/ David H. Sawyer  
/s/ Stephen L. Borrello